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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,337	01/26/2001	Chad Magendanz	44431/233649	6309

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EXAMINER
KE, PENG

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/770,337	MAGENDANZ ET AL.
	Examiner	**Art Unit**	
	Peng Ke	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 August 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1- 27</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1- 27</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to communications: Amendment, filed on 8/22/05.

Claims 1- 27 are pending in this application. Claims 1, 14, and 27 are independent

claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buxton et al.,

U.S. Patent No. 6,469,714 in view of Berry et al. U.S. Patent No. 4,789,962 in view of Grossman

et al. U.S. Patent No. 5,82,440.

As per claim 1, Buxton et al. (hereinafter referred to as "Buxton") teach a method

for providing a selection of properties for an electronic document associated with an

application program comprising the steps:

determining a context for the electronic document (see Buxton, column 2, lines

61 – 67)

determining a status of a property for the electronic document (see Buxton,

column 7, lines 59 - 64)

based upon the context of the electronic document and the status of the property,

creating a customized palette for the user interface so that the palette comprises

a control for an available property (see Buxton column 2, lines 61 – 67 and column 8,

lines 30 - 36); and

displaying the palette in conjunction with the electronic document on the user

interface such that said palette and an associated content of the palette does not

obscure viewing of said electronic document (see Buxton, figures 3A – D and column 6,

lines 59 – 67; it is apparent that action bar 322 does not obscure the electronic

document 300).

However, Buxton fails to teach that an activated associated content of the palette

do not obscure viewing of said electronic document.

Berry et al. teaches that an activated associated content of the palette do not

obscure viewing of said electronic document. (column 4, lines 1-35, column 4, lines 58-

67)

It would have been obvious to an artisan at the time of the invention to include

Berry's teaching with method Buxton in order reduce the potential for error.

However, both Buxton and Berry fail to teach display only the controls that are available.

Grossman teaches display only the icons that are active. (col.9, lines 60-66)

It would have been obvious to an artisan at the time of the invention to include

Grossman's teaching with method Buxton and Berry in order increase system resource or space

on the user's desktop.

As per claim 2, which is dependent on claim 1, Buxton, Berry, and Grossman teach the method of claim 1 (see rejection above). Buxton further teaches determining a change in the status of the property or the context of the electronic document (see Buxton, column 8, lines 20 – 25);

based upon the change of the property or the change in the property or the change in the context of the electronic document,

modifying the palette to reflect the change in the property or the change in the context of the electronic document (see Buxton, column 8, lines 20 – 25); and

replacing the palette with the modified palette so that the modified palette is displayed in conjunction with the electronic document on the user interface (see Buxton, figure 3A, items 300 and 320 and column 8, lines 20 – 25).

As per claim 3, which is dependent on claim 1, Buxton, Berry, and Grossman teach the method of claim 1 (see rejection above). Buxton further teaches sizing the palette so that the palette and the electronic document can be simultaneously viewed (see Buxton, figure 3A, items 300 and 320 and column 9, lines 55 – 67).

As per claim 4, which is dependent on claim 2, Buxton, Berry, and Grossman teach the method of claim 1 (see rejection above). Buxton further teaches sizing the modified palette so that the palette and the electronic document can be simultaneously viewed (see Buxton, figure 3A, items 300 and 320 and column 9, lines 55 – 67).

As per claim 5, which is dependent on claim 1, Buxton, Berry, and Grossman

teach the method of claim 1 (see rejection above). Buxton further teaches coordinating

the palette with a predefined interface so that the palette and the predefined interface

provide consistent control features (see Buxton figure 2, figure 3A, items 300 and 320

and column 6, lines 43 - 58); and

displaying the predefined interface in conjunction with the palette and the

electronic document (see Buxton figure 3A, items 300 and 320).

As per claim 6, which is dependent on claim 2, Buxton, Berry, and Grossman

teach the method of claim 2 (see rejection above). Buxton further teaches coordinating

the modified palette with a predefined interface so that the palette and the predefined

interface provide consistent control features (see Buxton figure 2, figure 3A, items 300

and 320 and column 6, lines 43 - 58); and

displaying the predefined interface in conjunction with the modified palette and

the electronic document (see Buxton figure 2, figure 3A, items 300 and 320 and column

6, lines 43 - 58).

As per claim 7, which is dependent on claim 1, Buxton, Berry, and Grossman

teach the method of claim 1 (see rejection above). Buxton further teaches that the

context of the electronic document consists of at least one of the following: textual

content, formatting content, or graphical content (see Buxton, column 8, lines 30 – 36).

As per claim 8, which is dependent on claim 1, Buxton, Berry, and Grossman

teach the method of claim 1 (see rejection above). Buxton further teaches that the

property consists of one of the following: a formatting command, an application program

command, or an electronic document characteristic (see Buxton, column 7, lines 29 -

44).

As per claim 9, which is dependent on claim 1, Buxton, Berry, and Grossman

teach the method of claim 1 (see rejection above). Buxton further teaches that the user

interface comprises a graphical user interface for an application program (see Buxton,

column 7, lines 1 - 7).

As per claim 10, which is dependent on claim 1, Buxton, Berry, and Grossman

teach the method of claim 1 (see rejection above). Buxton further teaches wherein the

user interface comprises a floating palette (see Buxton, column 7, lines 17 – 20).

As per claim 11, which is dependent on claim 1, Buxton, Berry, and Grossman

teach the method of claim 1 (see rejection above). Buxton further teaches wherein the

user interface comprises a property browser palette window (see Buxton, column 2,

lines 47 – 53).

As per claim 12, which is dependent on claim 5, Buxton, Berry, and Grossman

teach the method of claim 5 (see rejection above). Buxton further teaches wherein the

predefined interface comprises a toolbar (see Buxton, column 7, lines 1 - 7).

As per claim 13, which is dependent on claim 6, Buxton, Berry, and Grossman

teach the method of claim 6 (see rejection above). Buxton further teaches wherein the

predefined interface comprises a toolbar (see Buxton, column 7, lines 1 - 7).

As per claim 14 – 26, they are of similar scope to claims 1 – 13, respectively, and

are rejected under the same rationale (see rejections above).

As per claim 27, it is of similar scope to the combination of claims 1, 2, 3, 4 and 9

and is rejected under the same rationale as claims 1, 2, 3, 4, and 9 (see rejections

above).

Response to Argument

Applicant's arguments with respect to Hamilton have been considered but are deemed to

be moot in view of the new grounds of rejection.

Applicant's arguments with respect to Grossman have been fully considered but they are

not persuasive. Applicant argues that Buxton in view of Grossman fails to teach displaying icons

only when they are available.

Examiner disagrees. Buxton teaches differentiating and determining available icons from

unavailable icons. (column 7, lines 58-69) However, Buxton does not completely eliminate the

unavailable icons from the display screen. Grossman teaches eliminating unwanted icons from

the display screen (col.9, lines 60-66), although Grossman's method of determining unwanted

icons is different from Buxton's method of determining of determining unavailable icons.

Therefore by combing Grossman's teaching with Buxton's method, the combined system would

eliminate unavailable icons from the display screen. Hence, the combined system would only

display icon that are available.

Contact Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The

examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peng Ke

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